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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 RICHARD WAYNE PARKER,

11 Plaintiff,

No. CIV S-10-0065 MCE EFB PS

12 vs.

13 UNITED STATES DEPARTMENT
14 OF JUSTICE, at al.,

15 Defendants.

ORDER

16 This case, in which plaintiff is proceeding *pro se* and *in forma pauperis*, is before the
17 undersigned pursuant to Eastern District of California Local Rule 302(c)(21). *See* 28 U.S.C.
18 § 636(b)(1). On May 20, 2010, the undersigned issued an order setting a status (pretrial
19 scheduling) conference in this action for September 29, 2010, and directed the parties to file
20 status reports in advance of that conference. Dckt. No. 6.

21 In defendant United States Department of Justice's September 14, 2010 status report,
22 defendant stated that it was still in the process of complying with the Freedom of Information
23 Act ("FOIA") request, which is the basis of plaintiff's complaint, and that because the timing of
24 completion of FOIA compliance was uncertain, the status conference should be vacated. Dckt.
25 No. 20. Therefore, on September 17, 2010, the undersigned continued the September 29, 2010
26 status conference to December 15, 2010, and directed defendants to file, on or before December

1, 2010, a further status report addressing the issues raised in the May 20, 2010 order, as well as the status of defendants' FOIA compliance. *Id.*

On December 1, 2010, defendant United States Department of Justice filed a status report as ordered, indicating that defendant has provided some information to plaintiff, that defendant will be making a second release of information to plaintiff shortly, and that thereafter the parties will discuss the matter by mail. Dckt. No. 22 at 2. Defendant then suggests "that the status conference be continued to allow 45 days for the parties to pursue voluntary dismissal and for defendant to report on progress toward that goal." *Id.* at 1. Defendant contends that "[i]f the case is not dismissed voluntarily, defendant will make a further status report with a proposed schedule for its dismissal and summary judgment motions." *Id.* at 2.

Accordingly, IT IS HEREBY ORDERED that:

1. The December 15, 2010 status conference is rescheduled for February 16, 2011 at 10:00 a.m. in Courtroom 24.

2. On or before February 2, 2011, if the case has not been dismissed voluntarily, defendants shall file a further status report addressing the status of defendants' FOIA compliance and any communications between the parties regarding that purported compliance, and proposing a schedule for dismissal and/or summary judgment motions.

3. Plaintiff is not required to file a further status report or a response to defendants' status report, but if he elects to do so, any such status report or response to defendants' status report shall be filed on or before February 9, 2011.

DATED: December 8, 2010.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE